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09/823,012	03/30/2001	Kazuyuki Yamaguchi	P/3236-27	6753

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,012

Applicant(s)

YAMAGUCHI, KAZUYUKI

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statement submitted on June 12, 2001, January 6, 2003 and May 30, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3,4 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Linden et al. US Patent 6,549,773.

*Regarding claim 1*, Linden teaches a mobile communication system (fig. 1; col. 5, line 66-col. 6, line 32) comprising:

a content server (3; col. 6, lines 21-24) for providing content data requested via a network, (col. 9, lines 1-15);

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a mobile communication terminal (MS1, MS2) for issuing a request to provide said content data via a mobile communication network, (fig. 1; col. 12, lines 46-47; abstract); and

a plurality of gateway units (2) located respectively in predetermined areas, (col. 6, lines 21-42), for executing protocol conversion of said request and said content data transmitted between said network and said mobile communication network (fig. 1; col. 2, lines 39-42) and for continuously providing said content data from said content server to said mobile communication terminal by transmitting and receiving communication information to provide said content data, (fig. 1; abstract; col. 12, lines 29-55).

***Regarding claims 3 and 7***, Linden teaches wherein said mobile communication network includes a plurality of radio communication base stations, each of said radio communication base stations which cover an area smaller than each of said predetermined areas and communicate one another, and at least one of said plurality of radio communication base stations transmits said request to a predetermined gateway unit among said plurality of gateway units, (fig. 1; col. 1, lines 11-33).

***Regarding claims 4 and 8***, Linden teaches wherein said request is transmitted to a gateway unit geographically nearest to said mobile communication terminal, (col. 6, lines 1-24).

***Regarding claim 6***, Linden teaches a mobile communication system (fig. 1; col. 5, line 66-col. 6, line 32) comprising:

a mobile communication terminal (MS1) for issuing a request to provide content data via a mobile communication network, (fig. 1; col. 12, lines 46-47; abstract);

a plurality of gateway units (2), each of said gateway units located respectively in predetermined areas and including a protocol conversion section for executing protocol

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conversion of said request and said content data transmitted between a predetermined network and said mobile communication network, (fig. 1; col. 2, lines 39-42; col. 6, lines 21-42), a request relay section for relaying said request and a terminal providing section for providing said content data to said mobile communication terminal in accordance with said request relayed by said request relay section, (col. 7, lines 9-36); and

a content server for providing said content data to a gateway unit which has issued said request relayed by said request relay section via said predetermined network, (col. 7, lines 9-36).

5. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Nakano et al. JP Pub. 11-201769.

*Regarding claim 1*, Nakano teaches a mobile communication system (fig. 1) comprising:

a content server for providing content data requested via a network, (paragraph 63);

a mobile communication terminal (300) for issuing a request to provide said content data via a mobile communication network, (paragraph 50); and

a plurality of gateway units located respectively in predetermined areas, (fig. 1; paragraphs 44-48), for executing protocol conversion of said request and said content data transmitted between said network and said mobile communication network (paragraph 49) and for continuously providing said content data from said content server to said mobile communication terminal by transmitting and receiving communication information to provide said content data, (paragraphs 49 and 50).

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*Allowable Subject Matter*

6. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 9 and 10 allowed.

*Conclusion*

8. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante  
Examiner  
Group 2645  
November 16, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

